

**Notice of Allowability****Application No.**

09/602,279

**Applicant(s)**

NEMIROVSKY ET AL.

**Examiner**

Art Unit

Tammara R. Peyton

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*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--*

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to 5/22/07 - RCE and IDS.
2.  The allowed claim(s) is/are 1-24.
3.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a)  All    b)  Some\*    c)  None    of the:
  1.  Certified copies of the priority documents have been received.
  2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.  
(a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached  
1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.  
(b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of  
Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).

6.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1.  Notice of References Cited (PTO-892)
2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)
3.  Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date See Continuation Sheet
4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5.  Notice of Informal Patent Application
6.  Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_.
7.  Examiner's Amendment/Comment
8.  Examiner's Statement of Reasons for Allowance
9.  Other \_\_\_\_\_.

TAMMARA PEYTON  
PRIMARY EXAMINER

TAMMARA PEYTON  
PRIMARY EXAMINER

*Tammara Peyton*

## EXAMINER'S REASON FOR ALLOWANCE

A Request for Continued Examination was filed 5/22/07 along with three Information Disclose Statements: 5/22/07, 6/18/07, and 7/18/07. The IDS filed on 5/22/07 contains references previously sited - 4/13/04, 7/19/04, 2/11/05, and 3/7/05 – that were previously considered by Examiner. In order to prevent confusion enclosed are copies of these IDS(s) that are crossed out with the notation and these references are considered under the IDS filed 5/22/07.

The following is an examiner's statement of reasons for allowance based on the key references newly sited on 6/18/07 and 7/18/07:

Krum (US 6618820) teaches the use of an application server system for processing failures for certain application programs executing on client computers.

Joglekar (US 2007/0008989), Jain et al., (US 2006/0090039), Illikkal et al., (US 2005/0066028), Nemawarkar (US 6,965,982) were all sited as prior art however all of these references have a filing date after the 06/23/2000. Nonetheless, all of the references have related subject matter that includes packet and/or memory buffer/cache processing.

Therein, claims 1-24 include allowable subject matter and considered pertinent to the applicant's disclosure, taken individually or in combination, the prior art of record and the newly filed prior art above does not teach or suggest the claimed limitations having "a background memory manager (BMM) for managing a memory in a data

processing system, the BMM comprising: circuitry for transferring data to and from an outside device and to add from a memory; a memory state map associated with the memory; and a communication link to a processor; characterized in that the BMM manages the memory, determining if each data structure fits into the memory, deciding exactly where to place the data structure in memory, performing all data transfers between the outside device and the memory, and maintaining the memory state map according to memory transactions made, and informing the processor of new data and its location."

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tammara Peyton whose telephone number is (571) 272-4157. The examiner can normally be reached between 6:30 - 4:00 from Monday to Thursday, (I am off every first Friday), and 6:30-3:00 every second Friday. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Huynh can be reached on (571) 272-4147. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300. Any inquiry of a

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general nature of relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-2100.

Mailed responses to this action should be sent to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231.

Faxes for Official/formal (After Final) communications or for informal or draft communications (please label "PROPOSED" or "DRAFT") sent to:

(571) 273-8300

Hand-delivered responses should be brought to:

USTPO, Randolph Building, Customer Service Window

401 Dulany Street

Alexandria, VA 22314.

**TAMMARA PEYTON  
PRIMARY EXAMINER**



Tammara Peyton

September 24, 2007

Continuation of Attachment(s) 3. Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date: 5/22/07, 6/18/07, 7/18/07, 04/13/04, 07/19/07, 02/11/05, 03/07/05.